

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

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OCT 23 2013

U. S. DISTRICT COURT
MID. DIST. TENN.

ROBERT ZENAS WHIPPLE, III
Plaintiff

vs.

DERRICK SCHOFIELD, et al.,
Defendants

Civil Action No.: 1:13-0109
JUDGE HAYNES

MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION

*Overruled
The Defendants
shall respond to
this motion by
October 31, 2013
Hearings set
10-24-13
2890*

Plaintiff hereby moves this honorable court to issue a Temporary Restraining Order and an Order to Show Cause. Plaintiff is suffering irreparable harm in the form of continued physical and mental pain and suffering and an increasing risk of further damage to his esophagus. In fact, plaintiff is unable to sleep due to this pain and respectfully requests the court to enter a ruling without delay to minimize Plaintiff's suffering. In support of this motion, Plaintiff has previously filed a Declaration (Docket Entry No. 5) and a Memorandum of Law (Docket Entry No. 4).

Plaintiff prays that this court order defendants to provide the medications that are being withheld, Rantidine and Metoclopramide, at the dosage prior to the unconstitutional actions of TDOC's Pharmacy & Therapeutics Committee in denying plaintiff treatment for his serious medical need in May of 2013. Plaintiff asks that this order be effective immediately and remain in effect until such time a hearing can be held on a preliminary injunction.

Plaintiff further requests this court issue an order instructing defendants to show cause, at a time and place of the court's choosing, why a preliminary injunction should not issue, pursuant to Rule 65(a), Fed.R.Civ.P., ordering defendants to continue providing plaintiff's medications until this lawsuit is adjudicated.